

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL PAPAZIAN,

Petitioner,

v.

B.M. TRATE,

Respondent.

1:24-cv-00392-HBK (HC)

ORDER GRANTING PETITIONER'S
MOTION FOR EXTENSION OF TIME TO
LIMITED EXTENT

(Doc. No. 27)

CLERK TO PROVIDE COURTESY COPY
OF FIRST AMENDED PETITION

(Doc. No. 11)

Petitioner, a federal prisoner proceeding pro se and *in forma pauperis* in this habeas corpus action, filed a motion for extension of time and request for documents on November 18, 2024. (Doc. No. 27, "Motion"). As in his previous motion filed on October 30, 2024, Petitioner again seeks to "reset the time" to reply to Respondent's response, which he claims did not receive due to a delay in mail processing at USP-Atwater from August 9, 2024 through October 9, 2024. (*Id.*). He also seeks documents that he claims he also did not receive. (*Id.*). In the alternative, Petitioner seeks a 45-day extension of time to file his Second Amended Petition. (*Id.*).

The Court previously advised Petitioner in its November 1, 2024 Order, that the Court granted Respondent's motion to dismiss the first amended petition on October 18, 2024 with leave for Petitioner to file a Second Amended Petition on the form that the Court provided with

its October 18, 2024 Order. (Doc. Nos. 24, 26). Thus, Petitioner's request to file a reply to Respondent's motion to dismiss is moot.

Petitioner acknowledges that he received the Court's October 18, 2024 Order granting Respondents' motion to dismiss with leave to file a second amended petition on October 31, 2024. (Doc. No. 27 at 2). Thus, the Court will grant the alternative relief requested, and afford Petitioner a 45-day extension of time from the date he signed his Motion to file his second amended petition. To expedite Petitioner's preparation of his second amended petition, the Court will direct the Clerk to provide a courtesy copy of Petitioner's First Amended Petition to Petitioner.

Accordingly, it is **ORDERED**:

1. Petitioner's Motion for Extension of Time (Doc. No. 27) is GRANTED to the limited extent that Petitioner shall deliver to correctional officials for mailing a Second Amended Petition **no later than December 23, 2024**.
2. The Clerk of Court shall provide a one-time courtesy copy of Petitioner's First Amended Petition (Doc. No. 11) with this Order.
3. If Petitioner fails to timely file his Second Amended Petition or seek an extension of time the undersigned will dismiss the action for failure to comply with a court order and prosecute this action.

Dated: November 20, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE